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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,929	08/27/2003	Yoshinobu Mukai	13425.39US01	4112

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EXAMINER

LOUIS JACQUES, JACQUES H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,929

Applicant(s)

MUKAI ET AL.

Examiner

Jacques H Louis-Jacques

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims under Examination

1. Claims 1, 2 and 7 are pending and presented for consideration.

The examiner acknowledges Applicant's effort in advancing prosecution of the present application. However, the pending claims are not allowable at this present time.

Claim Objections

2. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 recites limitations which are already recited in claim 1 from which it depends.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al [6,665,598] in view of Yasuda [6,594,569].

Nakano et al discloses a system of informing procedures for adjusting control parameters of an electric power steering control apparatus. According to Nakano et al, the control

device or controller comprises a memory accommodated in the electric power steering control device mounted on a vehicle (figure 1), and which permits rewrite and storage of data (abstract), wherein transmitting a signal from an external of the vehicle allows the data stored in the memory to be rewritten (figures 1, 13, column 1, lines 27-31, col. 2, lines 10-35, col. 3, line 63-col. 4, line 5, col. 7, line 61-col. 8, line 31). See also columns 10-12. As described in columns 4-6, Nakano et al discloses a ROM which stores a plurality of map data, wherein the memory stores label information corresponding to one of the plurality of map data, followed by selection of the one map data in the ROM based on this label information to be read out, and wherein an assist steering force is controlled based on the selected map data. See also columns 9-10. Furthermore, according to Nakano et al, the memory stores a set of constants or mathematical expression data, which is used for the electric power steering control device and is inherent in an individual specification. See also page 4 and, in particular, page 5. However, Nakano et al does not particularly disclose reading out of the data at a start-up of the electric power steering device. Yasuda, on the other hand, discloses, a device and method for setting steering characteristics of electric power steering. As depicted in figures 2 and 6, Yasuda discloses the data stored in the memory is read out at a start-up of the electric power steering control device, and wherein an assist steering force is controlled based on this data. See also columns 4-6. Yasuda discloses a plurality of keys (labels) representing different map data (column 1). Also in columns 4-6, Yasuda et al discloses a plurality of map data, wherein the memory stores label information corresponding to one of the plurality of map data, wherein the label information is read out at a start-up of the electric

power steering control device, followed by selection of the one map data in the ROM based on this label information to be read out, and wherein an assist steering force is controlled based on the selected map data. Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the electric power steering apparatus of Nakano et al by incorporating the features from the electric power steering device of Yasuda because such modification, as suggested by Yasuda, would realize different steering satisfactory levels, thereby improving driving conditions.

Response to Amendments & Arguments

5. The amendments along with the arguments filed therewith on December 20, 2004 have been entered and carefully considered by the examiner.

In particular, Applicant has amended claim 1 to include the limitation of [canceled] claim 1 and added new claim 7.

First, it is noted on page 4 of the response that Applicant referred to “an electric power steering control device including a memory that permits rewrite and storage of data and a ROM as recited in *claim 1* so that one control device can be utilized *in various vehicles with different engine specifications*.” Applicant then referred to the specification (pages 10, 11, and 18-23 for support.

Claim 1, as amended, recites “an electric power steering control device comprising a memory that permits rewrite and storage of data, ..., and a ROM for storing a plurality of map data, wherein the memory stores label information to one of a plurality of mal data,

..." Emphasis added. There is no recitation of "various vehicles with different engine specifications", as argued by Applicant.

While claim must be read in light of the specification, one cannot incorporate into the claim limitations that are not recited therein.

The features upon which applicant relies (i.e., various vehicles with different engine specifications) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As set forth in MPEP 2111, the court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." See *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). The court further noted that "[A]lthough the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). "That claims are interpreted in light of the specification does not mean that everything in the specification must be read into the claims." *Raytheon Co. v. Roper Corp.*, 724 F.2d 951, 957, 220 USPQ 592, 597 (Fed. Cir. 1983), cert. denied, 469 U.S. 835 (1984). Furthermore, [A]lthough a claim should be interpreted in light of the specification disclosure, it is generally considered improper to read limitations contained in the

specification into the claims. See *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969) and *In re Winkhaus*, 527 F.2d 637, 188 USPQ 129 (CCPA 1975).

Applicant also argued that “[N]either Kimura nor Nakano discloses or suggests an electric power steering control device including a ROM as recited in claims. Applicant noted that “Yasuda discloses data for a single vehicle and does not disclose label information corresponding to one of a plurality of data.”

Again, whether Yasuda discloses data for a single vehicle is irrelevant since claim 1 does not recite “a plurality of vehicles”.

Kohge et al [6,643,572], applied against claim 1, discloses a controller for automobile having a nonvolatile memory built in a vehicle control computer and storing control software. The controller of Kohge et al, as shown in figure 1, comprises a microcomputer (55) having a storage (59) and mathematical unit (56) that receives data from the storage. Kohge et al also discloses an auxiliary storage (70) for updating the contents of the storage (59). As noted in column 2, line 51 to column 3, line 4, the vehicle controller is an electric power steering controller having a built-in mask ROM for storing control software such as control data and control programs. The auxiliary storage is used to update the control processing information by updating the contents of the storage. Furthermore, in column 4, lines 9-27, Kohge et al discloses that the storage (58) comprises an erasable nonvolatile memory capable of updating control software from an external unit. However, Kohge et al does not particularly disclose the ROM having a plurality map data and the memory stores label information corresponding to one of the plurality of map data, wherein the label information is read out at a start-up of the electric

power control device, as recited in amended claim 1. Accordingly, this rejection has been withdrawn. However, Yasuda [6,594,569] was used for disclosing such features.

Kimura et al, applied against claim 1, discloses a power steering system including an external device which outputs an arbitrary torque signal in an error measurement mode. While Kimura et al discloses a power steering control device having a storage portion (23) for rewriting and storing data, Kimura et al does not particularly disclose the ROM and its contents as recited in amended claim 1. Therefore, this rejection has been withdrawn.

Nakano et al [6,665,598], applied against claim 1, discloses a system of information procedures for adjusting control parameters of an electric power steering control apparatus. The examiner disagrees with Applicant that Nakano et al does not disclose an electric power steering control device having a ROM.

Figure 1 of Nakano et al shows an electric power steering control device (20) having a memory for rewriting and storing data and a ROM (22, 25) and an external device (100) for transmitting signal or data so that the content of the memory can be rewritten or updated. See also column 1, lines 27-31, and column 9. Furthermore, see column 11, lines 17-39. Nakano et al also discloses that the electric steering power control device (20) includes a CPU (21) that receives information data (e.g., torque, speed) and uses a set of constants or mathematical expression data from the ROM to the memory. See figure 8, column 2, lines 1-35, column 4, lines 6-50. Although not shown in figure 8, CPU (21) is coupled to the ROM. See figure 1. The information received by the CPU are map data. See figures 8-12. In addition, even not recited in claim 1, Nakano et al system

concerns with various vehicles. See column 1, lines 13-15, 32-33, 64-67 and column 7, lines 59-60. Nakano et al also discloses reading a selected map from the ROM and storing the selected map data into the memory. See column 11. Nakano et al further discloses label information and address (e.g., number or cell) of the map data. See column 11 and figure 7. Thus, it has been shown that Nakano et al discloses a ROM that stores a plurality of map data wherein the memory stores label information (cell or number) corresponding to one of the plurality of map data. What Nakano et al does not particular teach is the read out at the start-up of the electric power steering control device. It should be noted that Nakano et al discloses controlling an assist steering force based on the selected map data. See column 4.

Regarding Yasuda, Applicant argued that Yasuda discloses data for a single vehicle. As pointed out above, whether Yasuda discloses data for a single vehicle is irrelevant since the claim does not recited such feature.

However, it is noted that Yasuda discloses a device and method for setting steering characteristics of electric power steering, wherein the optimum value of steering feelings in operating an electric power steering depends on a vehicle model, changes in vehicle model characteristics. See abstract. According to Yasuda, as shown in the flow chart of Figure 2, the information is read out at start up (ignition on) of the electric power steering control device followed by selection of one map data (figure 3). See also column 4, lines 47-56. According to Yasuda, based on the computation or map data, the information is stored in the memory. See figure 6. More importantly, Yasuda discloses an electric power steering control device for different kinds of modes of vehicles (column 1, lines 41-52).

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Like Nakano et al and Kohge et al, Yasuda discloses updating the memory from outside of the vehicle. See column 3, lines 14-20. Further in column 3, Yasuda discloses the selection of one map data and steering characteristics related to the selected map data are read out and stored in the storage (memory). See column 3, lines 21-35. See also columns 5 and 6.

Thus in light of the foregoing, claims 1-2 and 7 are rejected. This office action is made final.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,593,358	Takeshima et al	Jun. 1986
4,626,994	Yabe et al	Dec. 1986
6,728,609	Murray et al	Apr. 2004

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj



JACQUES H. LOUIS-JACQUES
PRIMARY EXAMINER